

# VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

## CHAPTER 561

*An Act to amend and reenact § 15.2-858 of the Code of Virginia, relating to urban county executive form of government; sanitary districts.*

[H 1158]

Approved April 12, 2004

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-858 of the Code of Virginia is amended and reenacted as follows:**

§ 15.2-858. Creation, enlargement, contraction, etc., of sanitary districts.

A. Notwithstanding any other provision of law, no court shall entertain any petition filed for the creation, enlargement, contraction, merger, consolidation or dissolution of a district authorized to be created in accordance with the provisions of Chapters 2 (§ 21-112.22 et seq.), 6 (§ 21-292 et seq.), 7 (§ 21-427 et seq.), or 8 (§ 21-428 et seq.) of Title 21, Chapter 161, Acts of the Assembly of 1926, as amended, or any other law providing for the creation of those subdivisions referred to generally as sanitary or small districts hereinafter referred to as "sanitary districts." No petition for the creation, enlargement, contraction, merger, consolidation or dissolution of a sanitary district filed by any person or group of persons shall be of any effect and any court in which the petition is filed shall forthwith strike the petition from its dockets and no further proceedings thereon shall be had.

B. Notwithstanding any other provision of law, each district created under the provisions of § 15.2-855 shall be a sanitary district with all the rights and powers conferred on sanitary districts by general law. However, no incorporated town shall be included within any sanitary district without the consent of the council of such town.

Every sanitary district and every small and local sanitary district existing in the county shall be dissolved on the date that the form of government herein becomes effective and each shall at that time be recreated as a small district or small districts within the respective sanitary districts. The county shall assume the liabilities of the sanitary district and shall own all its properties and the existing assets less the liabilities assumed of such sanitary district shall be used by the board as a factor in establishing service charges within the small district or small districts. The services provided by the former sanitary districts shall be continued by the county in the new small districts.

Every small and local sanitary district existing in the county on the date that the form of government herein becomes effective shall at that time be continued as small and local sanitary districts, and such small and local districts, and all small and local districts hereafter created pursuant to this article shall be deemed sanitary districts for the purpose of borrowing of funds and issuance of bonds for projects within such small districts as provided for by law for sanitary districts.

Nothing in this section shall affect any sanitary district existing at the time of adoption of this form of government in which bonds of the district have been issued and for as long as such bonds are outstanding.

C. Notwithstanding any other provision of law, the board shall have the power and authority with regard to the creation, enlargement, contraction, merger, consolidation or dissolution of small districts and local districts within such county that is granted to the circuit court for the county in connection therewith by Title 21 and by Chapter 161 of the Acts of the Assembly of 1926 as amended.

D. The board may create, enlarge, contract, merge, consolidate and dissolve small and local districts, by resolution, after giving notice thereof by publication once a week for two consecutive weeks in a newspaper having general circulation in the county. The notice shall contain the full text of the proposed resolution, except that the metes and bounds description may be replaced with a general description by commonly known landmarks of the district boundaries and a statement of the availability of a metes and bounds description at an identified county office; the time and place of the hearing; and a statement that any interested party may appear on the date set for the public hearing, which date shall be not less than ten days after the date of the second publication of its intention to do so by publishing notice in a newspaper having general circulation in the county in the manner specified by § 15.2-1427 for the adoption of county ordinances and after conducting a public hearing on the proposed resolution. Any such district may be described in the resolution either by a metes and bounds description or by a description that uses commonly known landmarks or geographic maps.

**2. That all proceedings held in the creation, amendment, or dissolution of any district created pursuant to former § 15.1-791 or this section prior to July 1, 2004, are hereby ratified, validated, and confirmed, and any and all such districts are declared to have been validly created, amended, or dissolved notwithstanding any defects or irregularities in the publication of any notice or the description of any boundaries.**